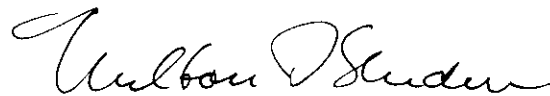


IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 98 CR 54
)	
DARWIN MONTANA,)	
)	
Defendant.)	

MEMORANDUM ORDER

Darwin Montana ("Montana") is nothing if not persistent: Hard on the heels of this Court's January 11, 2005 memorandum order (the second in a month, another having been issued on December 22, 2004), he has filed a self-prepared handwritten Motion for Reconsideration, renewing his effort to challenge his prison sentence many years after its imposition. To that end he seeks to invoke the decisions of the Supreme Court in United States v. Booker, 543 U.S. --, 2005 WL 50108 (U.S. Jan. 12). But nothing in either of the two majority opinions in Booker supports its retroactive application to anyone in Montana's position--indeed, Justice Breyer's opinion for the Court was careful to limit the required applicability of the Court's holdings "to all cases on direct review." Montana's Motion for Reconsideration is denied summarily.



Milton I. Shadur
Senior United States District Judge

Date: January 24, 2005